IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.985 OF 2006

Prakash Narayan Pawar .. Appellant.
Vs.
Mahadeo Krishna Pawar
since deceased by his LRs
Anusaya Mahadev Pawar & Ors. .. Respondents.

Mr.Vijay D.Patil for the appellant.
Mr.Dilip Bodake for respondent nos.1 and 2.

CORAM : D.B.BHOSALE, J.

DATED : 7TH FEBRUARY, 2007

P.C.:

. Heard learned counsel for the parties.

2. The appellant-plaintiff has challenged the concurrent findings recorded by the courts below dismissing his suit seeking reconveyance of the suit property, which was transferred by a sale deed dated 23.10.1967, based on an agreement for reconveyance of the very same date and the subsequent document dated 5.6.1983. The case set up by the appellant-plaintiff was that on 23.10.1967 the two documents were executed, that is, the sale deed and the agreement for reconveyance. The plaintiff has not produced the so called agreement for reconveyance on record. He, however, placed reliance upon another document dated

5.6.1983 by which the defendant allegedly accepted/confirmed the execution of the said agreement for reconveyance dated 23.10.1967. Both the courts below have concurrently negatived the case of the plaintiff holding that he has failed to prove execution of the reconveyance agreement as also the writing dated 5.6.1983 on the stamp paper. Insofar as the document dated 5.6.1983 is concerned, the defendants have denied their signature and in view thereof it was sent to handwriting expert. The handwriting expert opined that a signature on the said document is not that of the defendant. He was examined as witness in the case. I see no reason to interfere with the impugned judgments. No substantial question of law, in my opinion, is either raised or involved in the appeal. Keeping that in view and considering the extremely limited jurisdiction of this court under section 100 of the Code of Civil Procedure this appeal deserves to be dismissed. Order accordingly.

(D.B.Bhosale, J.)